

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL No: 1149 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
25/11/2003 in WP No: 2224 OF 1996 on the file of the High Court.)

Between:

- 1 BHARAT DYNAMICS LIMITED, (A Govt. of India Undertaking) Reg. Office,
Khanchan Bagh, Hyderabad, Rep. by its Chairman and Managing Director.
- 2 The General Manager, Bharat Dynamics Limited,
Factory at Bhanur, Medak District.

..... APPELLANTS/

RESPONDENTS

AND

Mr. Kanna Venkata Rao, S/o. K. Pitchaiah,
R/o. Shankarpalli, Ranga Reddy District.

.....RESPONDENT

PETITIONER

Counsel for the Appellants: MR.K.SRINIVASAMURTHY

Counsel for the Respondent: MR.CH.RAMESH BABU

The Court made the following:

ORAL ORDER: (BY GB,J.)

The Writ Appeal is filed against the order, dated 25.11.2003 passed by the Single Judge in W.P.No.2224 of 1996. In the Writ Petition the order of termination was challenged on the ground that it is in violation of provisions of Industrial Disputes Act viz., Section 25(F) and 25(N). But however, learned Single Judge relying on the judgment of the Division Bench of this Court in W.A.No.1639 of 1995 dated 22-10-1996 allowed the Writ Petition. Against the said order, the present Writ Appeal has been filed.

2. Learned Standing Counsel for the appellant-management submits that the decision relied on by the learned Single Judge in the Writ Petition referred to above is not applicable to the facts of this case and therefore, the learned Single Judge ought to have considered the matter on its own merits.

3. We have heard the learned counsel for the respondent-workman.

4. At this distance of time, we are not inclined to consider the matter on merits. It is to be noted in this regard that the petitioner was continuing in service by virtue of the interim orders passed by this Court. Under those circumstances, it is a futile exercise to consider the matter on merits as to whether the retrenchment is valid or not.

5. Under those circumstances, the Writ Appeal is closed with a direction that the appellants-management shall consider the case of the respondent-workman for regularization of service as and when regular vacancy arises and the petitioner fulfils the requirements for the said post.

6. Accordingly, Writ Appeal is closed. No costs.

(G. BIKSHAPATHY, J.)

(P.S. NARAYANA, J.)

Date: 22-11-2004

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To

- 1 The Chairman and Managing Director. Bharat Dynamics Limited, (A Govt. of India Undertaking) Reg. Office, Khanchan Bagh, Hyderabad,
- 2 The General Manager, Bharat Dynamics Limited,
Factory at Bhanur, Medak District.
3. 2 CD copies.